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Measures to prevent terrorists from acquiring weapons of mass destruction

Report of the Secretary-General

Addendum*

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* The information contained herein was received after the submission of the main report.

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I. Replies received from Member States

Guinea

[Original: French]
[29 May 2003]

1. Legislative measures

Act No. L/96/008 of 22 July 1996 on weapons, ammunition, powder and explosives distinguishes inter alia four categories of war materiel. The third category consists of "matériel for protection against combat gases and products to be used for chemical, incendiary or biological warfare".

This Act strictly regulates production of and trading in weapons and ammunition. The goal is to prevent the anarchy that would allow terrorists of all persuasions to obtain weapons of mass destruction.

Under article 3 of the Act, "Any physical or moral person wishing to engage in the production or marketing of matériel in categories 1 to 4 inclusive shall be required to make a preliminary declaration to the Minister of Defence".

Paragraph 2 of the above-mentioned article specifies that "State authorization and monitoring, in conditions established by decree, are required in order for enterprises producing or trading in war matériel and defensive weapons and ammunition in categories 1, 2, 3 and 4 to function and for their middlemen or advertising agents to engage in their activities".

On the subject of the acquisition and retention of weapons and ammunition, article 9 of the Act states "The acquisition and retention of weapons and ammunition in categories 1, 2 and 3 ... shall be prohibited unless authorized."

Article 12 states:

> "The development, production, retention, stockpiling, acquisition and transfer of biological agents, other agents or toxins, whatever their origin or method of production, of types and in quantities that have no justification for prophylactic, protective or other peaceful purposes shall be prohibited."
>
> "Encouraging or in any way assisting a State, enterprise, organization or any grouping or individual to engage in the operations mentioned in paragraph 1 above shall be prohibited."
>
> "Violations of the provisions of this article shall be punishable by prison terms ranging from 3 to 10 years and a fine ranging from 200,000 to 800,000 Guinean francs, or by one of these two penalties."
>
> "Following sentencing, the court shall order the confiscation and destruction of the agents or toxins specified in this article. It may also order the temporary or permanent, total or partial, closure of the establishment where any of these agents or toxins were developed, produced, retained or stockpiled and/or the confiscation of the equipment used to develop, produce, retain or stockpile such agents or toxins. The court may ban the guilty party, for a period not exceeding five years, from exercising the profession under cover of which the offence was committed."

2. Institutional measures

In order to strengthen and enforce the regulations concerning weapons, ammunition, powder and explosives and to promote a climate of national, subregional and international security, the Republic of Guinea is observing the Moratorium on the Importation, Exportation and Manufacture of Small Arms and Light Weapons signed by the Heads of State and Government of the Economic Community of West African States on 31 October 1998.

Guinea has also endorsed the Code of Conduct for the implementation of this Moratorium.

Decree No. D/066/2000/PRG/SGG of 18 August 2000 concerning the creation, functions, membership and operation of the National Commission against the Illicit Proliferation and Circulation of Light Weapons reflects the stated desire of the Guinean Government to conduct a concerted and coherent campaign for peace, security and development in the subregional, African and international arena. In this connection, it should be noted that this National Commission has adopted and implemented a Plan of Action fully consistent with the priority goals of the Programme for Coordination and Assistance for Security and Development, which is a UNDP programme designed to support and facilitate the Moratorium regime.

The National Commission against the Illicit Proliferation and Circulation of Light Weapons has already opened a Liaison Office at Conakry National and International Airport. The Liaison Office is responsible for using effective legal and technical means to monitor air traffic in order to prevent any criminal activity at the Airport, whether terrorist or not. Other Liaison Offices will be opened shortly at the ports of Conakry and Benty (Kasmar) and at the main border posts.

India

[Original: English]
[23 September 2003]

India introduced this resolution in the fifty-seventh General Assembly to give expression to the widely shared concern of the international community about the heightened dangers posed by the risk of terrorists getting access to weapons of mass destruction or related material and technology. In recognition of this threat, the resolution aimed at underlining the urgent need to deal with it at the national, regional and global levels. This is not a problem that is country or region-specific, but has global reach and implications. Therefore, it requires a collective effort, through a truly multilateral approach that would increase the chances of it being accepted and supported by the widest possible constituency, thereby also ensuring its effectiveness.

The adoption of resolution 57/83 without vote is a measure of the widespread support for this resolution, reflective of the shared concerns of the international community and the common determination to combat terrorism, in particular its linkages with weapons of mass destruction (WMD).

As a victim for over two decades, India has taken the lead in international efforts in the fight against terrorism. Of particular concern is the combination of terrorism, world extremism and WMD proliferation linkages, which concern not

only India but also the international community as a whole. There is no justification for terrorism on any grounds — religious, political, ideological or any other. No terror network can sustain itself without the countries which provide them sustenance and support. Therefore, the fight against terrorism and its new manifestations of linkages with WMD should not be restricted only to perpetrators of terrorist acts, but should also encompass States that support or sponsor them.

The General Assembly and Security Council have adopted a number of resolutions conveying the resolve of the international community to combat terrorism. In particular, the Secretary-General's Advisory Board on Disarmament Matters has considered this matter in depth and has put forward several recommendations, including that the United Nations address the issue.

India has been supportive of all international efforts, particularly in the United Nations to combat terrorism and is fully committed to implementing Security Council resolution 1373 (2001). India has sponsored a Comprehensive Convention on International Terrorism to provide a comprehensive legal framework to combat terrorism. We have also supported the Russian draft proposal for a convention on suppression of nuclear terrorism. These measures are important in consolidating and further strengthening international efforts against terrorism, which would have important implications also for putting in place measures to prevent terrorists from acquiring weapons of mass destruction.

Additional measures

There already exist separate corpuses of international law on terrorism and weapons of mass destruction. However, there are no references in one to the other. It is for further reflection that the common cause against terrorism would be better served through an appropriate declaration on terrorism and weapons of mass destruction, which would serve the purpose of bringing together various strands, even while strengthening them.

Strengthening the disarmament and non-proliferation agenda and specific, credible steps towards its implementation would serve the important purpose of building confidence among States, enabling them to focus on common threats and work together to combat them. States parties to the existing international legal instruments in this field must implement their obligations in full and in good faith. This in itself would be a major step in reducing or preventing access of terrorists to materials, equipment and technologies related to WMD.

In addition, there is need for particular focus on provisions relating to physical protection, safety, security and safe disposal of WMD-related materials and technologies. The Biological Weapons Convention and Chemical Weapons Convention in fact provide for international cooperative efforts in terms of assistance and protection against the respective mass destruction weapons. We have also supported addressing the issue of radiological weapons at the Conference on Disarmament, in view of the growing concern about radiation dispersal devices.

At the same time, we recognize that the evolving nature of threats and their new manifestations require new and innovative methods in dealing with them, consistent with the Charter of the United Nations and international law. In this interconnected world, ease of transport and transit of WMD materials increase the risk of these falling in the wrong hands and is, in fact, a source of major concern. As

a new multilateral non-proliferation initiative, we are prepared to explore in a constructive manner current efforts under way among like-minded States to address this problem and hope that through dialogue and consultation common agreement will be found on ways and means of achieving the desired ends.

Multilateral and regional efforts

As the events of 11 September showed, distance offers no insulation. It is therefore necessary for the international community to close ranks in order to completely isolate groups and States that promote terrorism so that we are able to turn back this menace once and for all.

The Final Document of the Summit of the Non-aligned Movement, held in Kuala Lumpur in February 2003, welcomed the adoption of resolution 57/83.

We have also noted that other groups and regional organizations have taken into account in their deliberations the dangers posed by terrorists gaining access to WMD and the need for international cooperation in combating such a threat. We welcome the statements made by the G8 and the European Union on security of radioactive sources; we have participated in discussions in developing the International Atomic Energy Agency code of conduct on the same subject. Many of the suggested measures and regulations are already being implemented in India.

Relevant international organizations have been requested by the United Nations, pursuant to this resolution, to provide inputs on measures already taken by them relating to the fight against terrorism and the proliferation of WMD.

India participated in the Association of Southeast Asian Nations Regional Forum Workshop on "Managing the Consequences of a Major Terrorist Attack", held in Darwin, Australia, from 3 to 5 June 2003, which issued a set of recommendations. This is an illustrative example of productive regional consultation and dialogue.

National measures

We have several ongoing measures to strengthen our national capacities to deal with national disasters, including terrorist attacks involving WMD. These cover the entire spectrum of measures, from prevention through to dealing with consequences of such attacks. Our national laws have been strengthened to deal with terrorism in all its aspects — criminalization, prevention, cutting financial and narcotic links, extradition and mutual judicial assistance with other countries. We also discuss joint cooperation to combat terrorism with a large number of countries.

We are committed to strengthened export controls to deny access — whether to States or non-State actors. Our commitment to an effective and comprehensive system of export controls is based on a policy of restraint anchored in a conscious decision to prohibit or restrict export of WMD-usable materials, equipment or technologies or their delivery systems. This is based on the fact that we are conscious of our responsibilities arising from the possession of advanced technologies. There is an ongoing effort further to increase security consciousness and adoption of "best practices".

In sum, combating the threat of WMD-terrorism will require action at multiple levels, increasing and strengthening national capacities, as well as new levels and

forms of regional and international cooperation, only as part of a comprehensive global effort to prevent terrorists from acquiring weapons of mass destruction.

Russian Federation

[Original: Russian]
[6 August 2003]

As a State party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction (Chemical Weapons Convention — CWC), the Russian Federation has taken the necessary steps, in accordance with its constitutional procedures, to comply with its obligations under that Convention, including those relating to non-proliferation. The main task in that connection is to establish a basis of legislation, rules and regulations.

The Federal Act on the destruction of chemical weapons and the Federal Act on the ratification of the Chemical Weapons Convention define the areas in which officials, federal executive authorities and authorities of the component entities of the Russian Federation are responsible for the implementation of obligations under the Convention, and establish which categories of natural and legal persons are responsible for direct implementation of federal laws and other rules and regulations on chemical disarmament.

A Decree of the President of the Russian Federation approving the schedule of chemicals, equipment and technologies usable in the production of chemical weapons and therefore subject to export controls establishes at federal level which toxic chemicals must be verified under the terms of the Chemical Weapons Convention and which chemical-industry equipment could be used to produce chemical weapons. The Decree also lays down specific procedures for export controls.

An ordinance of the Government of the Russian Federation approving licensing provisions for the storage, transport and destruction of chemical weapons and the handling of toxic chemicals and waste formed during the destruction of chemical weapons establishes a procedure for State licensing of such activities performed by legal persons, irrespective of their legal or organizational structure. The Russian Federation, as a State party to the Chemical Weapons Convention, aims to establish State regulation of all activities connected with the storage, transportation and destruction of chemical weapons and the handling of toxic chemicals and waste formed during the destruction of chemical weapons.

The Federal Act on amendments to article 355 of the Criminal Code of the Russian Federation establishes criminal liability for developing, producing, stockpiling, acquiring or selling chemical weapons banned under the Chemical Weapons Convention. The Criminal Code (article 188) was amended and supplemented to establish the criminal liability of citizens for activities connected with the smuggling of toxic chemicals and their precursors and the illegal export, circulation or production of toxic chemicals and their precursors.

We have been pressing for the development and adoption of a federal act on additions to the Code of Administrative Offences of the Russian Federation to cover

illegal business activity involving controlled chemicals which undermine the aims of the Chemical Weapons Convention.

In addition to the package of legislation, rules and regulations described above, which the Russian Federation has adopted with the aim of fulfilling its obligations under the Convention to prevent the proliferation of chemical weapons, it has set up and put into operation a data-collection system for daily declarations under the Convention, covering all facilities involved in the storage, production and destruction of chemical weapons, as well as industrial establishments connected with the production, processing, consumption, export and import of chemicals appearing on the schedules, and particular organic chemicals.

The Russian Federation is paying close attention to perfecting systems to protect facilities for the storage of chemical weapons. Each year the federal budget contains an allocation for the item dealing with security for stocks of chemical weapons, and improving such security is one of the fields covered by international cooperation.

Chemical weapons storage facilities have developed anti-terrorism plans, involving the use of armed units.

All such facilities have protection, defence and detection systems for the facility and its perimeter.

There is continuous cooperation between chemical weapons storage facilities and the regional units of the Russian secret service, as well as a continuous exchange of information with the law-enforcement agencies regarding the situation in individual regions.

Of the 24 former chemical weapons production facilities declared by Russia, eight are to be destroyed and 16 are to be converted with the permission of the Conference of the States Parties to the Chemical Weapons Convention. At present, six facilities have been destroyed and two are in the process of being destroyed. All 16 facilities for conversion have been fully demilitarized. Six now house commercial plants and the others will do the same once the active work to complete the conversion is finished. The industrial ability to produce chemical weapons in the Russian Federation has therefore been eliminated.

The Russian Federation confirms its attachment to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction (Biological Weapons Convention — BWC), and fulfilling international obligations regarding biological weapons is one of the priorities of its national policy.

The Russian Federation has withdrawn its reservations to the Geneva Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare of 17 June 1925.

The Russian Federation has established and brought into force a basis of legislation, rules and regulations to fulfil its international obligations to ban biological and toxin weapons, including legislation, rules and regulations regarding export controls on biological agents and toxins and equipment and technologies for the production of potentially dual-use agents. A Federal Act and the relevant ordinance of the Government of the Russian Federation have established licensing of activities involving the use of infectious-disease pathogens, and introduced State

registration of genetic engineering activities. The Criminal Code has been made more precise, in order to establish penalties for activities which are incompatible with the Biological Weapons Convention.

The activities of biological and biotechnological facilities are monitored and the nature and scale of their work with pathogenic micro-organisms and toxins is assessed, along with their level of bio-security.

Implementing the decisions of the Third Review Conference of States Parties to the Biological Weapons Convention held in 1991, the Russian Federation, as part of its confidence-building measures, provides the United Nations with a yearly account of its biological and biotechnological activities which follows established formats. Receipt of such information from all the States parties to the Biological Weapons Convention is one of the most important elements of confidence building.

The Biological Weapons Convention is not yet universal, unfortunately. By 1 May 2003, it had 149 States parties. As things currently stand, there is no absolute certainty that States, including States parties, do not possess biological weapons. The threat that such weapons could be used in armed conflict remains, and a growing number of countries are able to produce biological agents and toxins to infect humans, animals and plants. Recent developments in science and technology and achievements in biology, biotechnology, genomics, proteomics and bioinformatics have laid the basis for developing new biological agents and toxins.

Efforts to develop and adopt a legally binding international instrument to reinforce the Biological Weapons Convention (by establishing a monitoring mechanism) are deadlocked. This threatens to weaken the basis for non-proliferation and opens the way for a number of States to conduct activities in biology and biotechnology which violate the Biological Weapons Convention. The opportunities for clandestine proliferation of harmful micro-organisms are growing.

At the Fifth Review Conference of the States Parties to the Biological Weapons Convention, which concluded its work in November 2002, the attention of the States parties was focused on the need to improve the basis of domestic legislation, rules and regulations and to reinforce monitoring at the national level. International meetings of experts and representatives of States parties are planned for the period from 2003 to 2005 in order to help States to establish a system to protect their bio-security.

The Russian Federation advocates the establishment of a reliable, effective and operational mechanism to reinforce the Biological Weapons Convention.

The Russian Federation supports the efforts of the International Atomic Energy Agency (IAEA) to prevent nuclear terrorism, especially in the context of the decisions which the leaders of the Group of Eight (G8) took in Evian. It reaffirms its commitment to the action plan in that regard, since the plan will considerably enhance the ability of States to prevent terrorist acts using weapons of mass destruction, including nuclear weapons.

The Russian Federation supports the work of IAEA to prevent the illegal circulation of nuclear materials, strengthen safeguards and develop a system of accountancy and verification for nuclear materials.

One of the practical steps to counter potential acts of nuclear terrorism is the initiative of the Russian Federation, the United States of America and IAEA to

establish appropriate arrangements to verify, locate, recover and secure "orphan" radioactive sources in the countries of the Commonwealth of Independent States and other areas.

The Russian Federation is also examining the issue of denying terrorists access to weapons of mass destruction (particularly nuclear weapons) in the context of bilateral contacts — for example, contacts with counter-terrorism working groups.

The Russian Federation advocates rapid adoption of relevant universal conventions within the United Nations framework, and first and foremost the completion of efforts to draft an international convention for the suppression of acts of nuclear terrorism. That would provide an effective mechanism to counter such acts, including provisions to regulate the suppression of terrorist acts and tackle their consequences.

The Russian Federation proposes that the list of the 1998 Wassenaar Arrangement on Export Controls for Conventional Arms and Dual-Use Goods and Technologies should be expanded to include specialized equipment and technological devices which could make possible terrorist attacks using weapons of mass destruction.

United States of America

[Original: English]
[5 September 2003]

The Government of the United States of America supports a broad range of international and national efforts that respond to the resolution's aims. The United States pursues such efforts principally through the Global War on Terrorism and the United States National Strategy to Combat Weapons of Mass Destruction.

Terrorists and their supporters should be the heroes of no one. The United States believes that those who would direct attacks against innocent civilians also must be considered to be willing to commit atrocities with weapons of mass destruction. The States Members of the United Nations should implement a broad spectrum of measures that supplement established practices for tackling the global threat posed by terrorists who acquire weapons of mass destruction. To this end, the international community must pursue a multifaceted response to this multifaceted threat. We should enhance traditional non-proliferation measures — diplomacy, arms control, multilateral agreements, threat reduction assistance and export controls — to help dissuade or impede terrorist networks from gaining access to sensitive technologies, material and expertise. We must ensure and enforce compliance with all relevant international agreements, such as the Nuclear Non-Proliferation Treaty, the Chemical Weapons Convention and the Biological and Toxin Weapons Convention. Expanded safety and security measures regarding radioactive and fissile materials, pathogens, and deadly chemicals are also necessary. When required, we must undertake other measures, in accordance with international law, to prevent terrorists or those who harbour them from acquiring or using weapons of mass destruction.

The elimination of financial and political support for terrorist organizations and for States that abet international terrorism is also an important way to prevent them from acquiring and using weapons of mass destruction. Diminishing finances

and eliminating havens from which terrorists can pursue their planning, training and other activities will circumscribe their potential for acquiring weapons of mass destruction. States can also take strong steps against international money-laundering.

The United States, as a member of the Group of Eight (G8), promotes G8 efforts to identify the way forward in limiting terrorist access to weapons of mass destruction. The Government of the United States refers the Office of the Secretary-General to the G8 statements issued at the June 2002 Summit in Kananaskis, Canada, and at the June 2003 Summit in Evian, France. The United States and the European Union, at their Summit in Washington, D.C., in June 2003, also issued a joint statement on the proliferation of weapons of mass destruction. A copy of this latter statement is attached.[1] Each of these documents identifies additional relevant measures, as requested in the resolution.

The United States further recalls that resolution 57/68 "invites all countries, as appropriate, to join the Group of Eight commitment to the non-proliferation principles endorsed by the Group of Eight leaders at the Kananaskis Summit aimed at preventing terrorists, or those who harbour them, from acquiring or developing nuclear, chemical, radiological and biological weapons, missiles, and related materials, equipment and technology".

The United States has undertaken a variety of national and international initiatives to prevent terrorist and other acquisition of weapons of mass destruction, their means of delivery and materials and technologies related to their manufacture. The Government of the United States would like to inform the Office of the Secretary-General, on an illustrative basis, of several of these initiatives and invite cooperation from the international community.

To monitor the transport of high-risk cargo, the Bureau of Customs and Border Protection of the United States Department of Homeland Security launched the Container Security Initiative (CSI). As of July 2003, 39 foreign ports have committed to join CSI and additional ports are anticipated in the near future. CSI currently is operating in 16 major international seaports. Once operational in all 39 ports, CSI will pre-screen nearly 80 per cent of all cargo containers that arrive at United States seaports.

The United States is working with other countries to prevent the proliferation of shoulder-launched missiles that can be used against commercial aircraft. At the June 2003 G8 Summit, leaders committed their countries to implementing steps to prevent the acquisition of shoulder-launched missiles, including adopting strict national export controls, regulation of brokering and banning transfers to non-State actors.

To ensure the physical security of facilities and materials, the United States chemical industry has worked in partnership with United States governmental agencies, including the Department of Energy and the Environmental Protection Agency, to assess vulnerabilities and enhance safety and security measures. Companies representing more than 90 per cent of United States chemical production have adopted a comprehensive and rigorous security code, added to security personnel, upgraded security procedures and access control systems, and enhanced perimeter barriers and intrusion alarms. These measures help prevent terrorist access to sensitive materials, as well as bolster our defences against terrorist attack.

The International Atomic Energy Agency, through its Nuclear Security Action Plan, provides advice, training and equipment to combat nuclear terrorism. The United States has contributed $15.9 million to the Action Plan since its inception and endorses substantial contributions from other nations.

The United States also helps other Governments to bring their export control systems up to international standards through the Export Control and Related Border Security Assistance programme coordinated by the United States Department of State. The programme draws on the expertise of several United States government agencies and of the private sector to assist potential suppliers, countries along key transit routes and countries with substantial volumes of trans-shipment trade in strengthening their legal framework, licensing processes and enforcement capabilities.

The Cooperative Threat Reduction projects that the United States has supported in the former Soviet Union address several risks, including that of terrorist access to stocks of weapons of mass destruction or the materials needed to make them. The Global Partnership that was announced at the 2002 G8 Kananaskis Summit provides an important basis for expansion of these kinds of projects. The Government of the United States welcomes contributions to the Global Partnership from the wider international community.

To combat the threat of weapons of mass destruction terrorism effectively multilateral bodies dealing with arms control issues need to leave behind outdated concerns stemming from the Cold War era and move forward to address the clear and present dangers posed by the development, acquisition, transfer and use or threatened use by State sponsors of terrorism or terrorist organizations of these most indiscriminate and destructive of weapons.

II. Replies received from international organizations

Organization for Security and Cooperation in Europe[2]

[Original: English]
[25 July 2003]

Decisions of the Ministerial Council of the Organization for Security and Cooperation in Europe (OSCE) and several OSCE documents, including the Porto Charter on Preventing and Combating Terrorism and the Principles Governing Non-proliferation, address issues of weapons of mass destruction (WMD) and terrorism. These political instruments complement the United Nations Security Council and General Assembly resolutions and other international legal instruments. The implementation of these commitments will be conducted primarily at the national level. In addition, OSCE bodies, institutions and field operations have some limited capacity to address weapons of mass destruction-terrorism and, in specific instances, have engaged in direct activities to prevent and combat proliferation. For example, OSCE has undertaken, participated in and/or coordinated activities aimed at reducing the availability of radiological materials and means of delivery in Georgia and Kyrgyzstan. Overall, the organization is active in a range of fields, which directly or indirectly address weapons of mass destruction-terrorism.

1. Preface

This document focuses on activities of OSCE to prevent terrorists from acquiring and using weapons of mass destruction, eluding efforts directed at WMD-incident disaster management.

(a) Overall OSCE counter-WMD-terrorism approach

Countering WMD-terrorism is a segment of the overall OSCE action against terrorism and will be conducted according to the same principles as the overall programme under the aegis of the United Nations. Fundamental to the OSCE approach is complementarity of action and avoidance of duplication of effort through coordination among international, regional and subregional organizations. The guiding principles of OSCE cooperative efforts are enshrined in the operational document of the Charter for European Security, the Platform for Cooperative Security, which sets as a main goal to strengthen the mutually reinforcing nature of the relationship between those organizations and institutions concerned with the promotion of comprehensive security within the OSCE area. These principles were further corroborated by the OSCE participating States in the Bucharest Plan of Action for Combating Terrorism (annex to MC(9).DEC/1), in the Bishkek Programme of Action against Terrorism (SEC.GAL/289/01) and in Decision No. 1 of the Tenth Meeting of the OSCE Ministerial Council (MC(10).DEC/1). In particular, in Bucharest the OSCE participating States invited OSCE to play a coordinating role for interregional and intraregional activities in order to create an ever-closer network for the international coalition against terrorism.

OSCE addresses all anti-terrorism measures and cooperation in accordance with the Charter of the United Nations and the relevant provisions of international law, international standards of human rights and, where applicable, international humanitarian law. In its response, OSCE will build on the specifics of the organization, its strengths and comparative advantages as a regional arrangement under Chapter VIII of the Charter of the United Nations. Among these advantages are its broad coalition of States, its comprehensive and cooperative security concept linking the politico-military, human and economic dimensions and its experience in the field.

Counter-WMD-terrorism efforts will also conform to the United Nations Counter-Terrorism Committee's three-stage programme outline, commencing with the creation of a necessary anti-terrorism legal framework, continuing with the enhancement of executive machinery to implement the legislation and concluding with the development of international anti-terrorism cooperation.

(b) Terms of reference

The types of WMD this report will deal with are as follows: nuclear, biological (including weaponized diseases), chemical, toxin and radiological. This report will not define the classes further. The non-proliferation of materials and technologies related to manufacturing WMD includes all the efforts made to prevent terrorists from acquiring components, equipment and expertise necessary to produce WMD. The non-proliferation of means of delivery include all the efforts made to prevent terrorists from acquiring weapons above the definition of small arms and light weapons, in particular missiles, as well as their components and improvised means of delivery, where applicable.

2. Stage A: strengthening the legal framework

For security agencies effectively to prevent WMD-terrorism, appropriate legislation needs to be in place nationally. It should provide specific and detailed guidance for intelligence and law enforcement officials in investigating illicit activities related to WMD and authorize them to take necessary preventive action. Overarching international and complementary regional standards promote and standardize the adoption of such national legal measures.

(a) Promoting international standards regionally

The International Convention for the Suppression of Terrorist Bombings is pertinent to counter-WMD-terrorism in the sense that it covers any weapon or device that is designed, or has the capability, to cause death, serious bodily injury or substantial material damage through the release, dissemination or impact of toxic chemicals, biological agents or similar substances or radiation or radioactive material. The implications of this instrument extend to all three stages of the Counter-Terrorism Committee's counter-terrorism programme. The OSCE Bucharest Plan of Action added momentum to the legal obligation under Security Council resolution 1373 (2001) for States to become party to this treaty and currently 69 per cent of the 55 OSCE participating States are in compliance: 38 States have ratified the treaty, nine have signed it and only eight have done neither.

The Convention on the Physical Protection of Nuclear Material is directly linked to counter-WMD-terrorism. The implications of this instrument extend to all three stages of action. The OSCE Bucharest Plan of Action added momentum to the legal obligation under resolution 1373 (2001) for States to become party to this treaty, and currently 46 of the 55 OSCE participating States, i.e. 84 per cent, are in compliance.

Through multifaceted efforts, OSCE is facilitating the ratification and implementation of these instruments. Among them, the Informal Open-ended Group of Friends of the Chair on Assistance on the Implementation of OSCE Commitments and Activities on Combating Terrorism was established by the Chairmanship in February 2003. The Group promotes and facilitates, inter alia, the implementation of resolution 1373 (2001) and the ratification and the implementation of the 12 international conventions and protocols related to terrorism, including the two related to WMD. Furthermore, in February 2003, OSCE held an awareness-raising seminar for the Central Asian States in cooperation with the United Nations Office on Drugs and Crime and the United Kingdom Foreign and Commonwealth Office. Follow-up activities to the seminar are ongoing. With regard to the WMD-element of the Convention and bio-terrorism in particular, an OSCE workshop on enhancing the implementation of this instrument is under consideration.

OSCE is exploring the possibilities for complementary action with the International Atomic Energy Agency (IAEA) and the Organization for the Prohibition of Chemical Weapons.

(b) Creating complementary regional standards

Several OSCE anti-terrorism and non-proliferation decisions and commitments address WMD-terrorism. Among them, the Tenth Meeting of the Ministerial Council recognizes the danger posed by weapons of mass destruction in the hands of

terrorists (MC(10).DEC/1). To deal with this threat, in the Charter on Preventing and Combating Terrorism (MC(10).JOUR/2), the participating States commit to:

- Use all relevant instruments available within the politico-military dimension of OSCE, as represented by the Forum for Security Cooperation, [to reduce] the risk of terrorists gaining access to weapons and materials of mass destruction and their means of delivery
- Minimize those dangers through national efforts and by strengthening and enhancing the existing multilateral instruments in the fields of arms control, disarmament and non-proliferation, including the OSCE Principles Governing Non-proliferation.

In addition, the Bucharest Plan of Action for Combating Terrorism (annex to MC(9).DEC/1), adopted by the Ninth OSCE Ministerial Council, avows that the participating States will use the Forum for Security Cooperation to combat terrorism through the implementation of existing politico-military commitments and agreements. Among such documents, the Principles Governing Non-proliferation (DOC.FSC/6/961) states that the participating States will:

- Affirm their commitment to prevent the proliferation of nuclear weapons; to prevent the acquisition, development, production, stockpiling and use of chemical and biological weapons; to control the transfer of missiles capable of delivering weapons of mass destruction and their components and technology
- Reflect [these] commitments [in their] legislation, regulations and procedures governing the non-proliferation of weapons of mass destruction and missiles capable of delivering them, relevant technology and expertise
- Prevent, within their constitutional and legislative means, their nationals from engaging in activities that do not conform to these principles concerning the non-proliferation of all types of weapons of mass destruction.

3. Stage B: strengthening executive machinery

For security agencies to prevent WMD-terrorism effectively, appropriate resources, mandates, competencies, expertise and equipment must be made available to them. OSCE is engaged in wide-ranging activities to assist overall implementation of national anti-terrorism legislation and strengthening of executive machinery, including criminal intelligence capabilities. For example, police training activities under the OSCE field operations in the State union of Serbia and Montenegro (including Kosovo), include counter-terrorism modules. However, they do not include sections dealing with WMD-terrorism. Indeed, OSCE is not directly or exclusively involved in strengthening the executive machinery to counter WMD-terrorism in the field. This is due in part to the fact that, according to international experts, international instruments and domestic legislation often provide only limited specific and detailed guidance for intelligence and law enforcement officials, for example, in investigating illicit activities related to biological agents. This circumstance underlines the need to enhance implementation of the international instruments related to counter-WMD-terrorism.

4. Stage C: enhancing international cooperation

Security Council resolution 1373 (2001) calls upon all States to find ways of intensifying and accelerating the exchange of operational information, especially regarding the threat posed by the possession of weapons of mass destruction by terrorist groups. As indicated in paragraph 2 (a) above, OSCE participating States have affirmed their commitments to fulfil international obligations as enshrined, inter alia, in resolution 1373 (2001).

The organization is currently examining how its existing and prospective processes for exchanging best practices among the participating States could be extended to the domain of anti-terrorism. The feasibility of establishing an OSCE national Point of Contact Anti-Terrorism Network, which could include limited WMD-proliferation activities, is under consideration. Furthermore, OSCE has received guidance from the Counter-Terrorism Committee to survey the possibilities for lateral exchange of best practices, standards and codes among regional organizations, potentially including limited activities related to countering WMD-terrorism.

With regard to preventing trafficking of WMD-materials and production equipment, it has been argued that trafficking in all types of illegal goods and persons utilize the same existing criminal networks. Therefore, anti-trafficking measures in various fields can have a significant degree of synergy. Overall, OSCE has identified border security as one of its four strategic anti-terrorism priorities. Consequently, the organization has initiated several pertinent activities at various levels, including participation in the Ohrid Process, assistance to border policing, regional workshops on detecting falsified travel documents and technical assistance to the border crossing point between Uzbekistan and Afghanistan. Also, the related OSCE Police Assistance Programmes enhance the capacity to prevent WMD-trafficking. For example, the programme in Bishkek, sets out among other objectives the creation of a National Police Information Analysis System. However, while enhancing general border security capacity in the OSCE region, these activities do not focus exclusively on WMD and do not contain specific WMD-components.

The OSCE is open to cooperation with other international regional and subregional organizations and initiatives to enhance international cooperation to counter WMD-terrorism and to seek complementarity of action within comparative organizational advantages.

5. Direct counter-WMD-terrorism activities of the field operations

Radiological materials. In Georgia, OSCE has a six-year record of assisting in the retrieval and salvage of abandoned cesium, cobalt, radium, and strontium material. Last year, following an official request from the Georgian Government, OSCE facilitated and participated in efforts involving the Georgian authorities and IAEA to conduct salvaging of stray orphan nuclear sources, i.e. strontium-90 nuclear batteries. In June 2002, OSCE participated with personnel and materiel in a search for further orphan nuclear sources organized by IAEA. Additional information is available through the IAEA web site: http://www.iaea.org/worldatom/Press/News/georgia_radsources.shtml.

In Kyrgyzstan, OSCE is carrying out coordination and stocktaking activities within an international framework to eliminate 36 exposed radiological and chemical material sites in Mailuu-Suu. These sites contain around 1.99 million m^3 uranium waste and 940.500 m^3 off-grade ores. While environmental concerns are paramount, it is recognized that illicit non-State actors could exploit these sites to access radiological materials — a threat compounded by the proximity of regional water resources. The programme is currently at the fact-finding and planning stages and OSCE is coordinating the effort, providing experts and facilitating cooperation with the host Government through its field presence in the country. International partners include Lawrence Livermore National Laboratory, IAEA, the World Bank, Regional Ecological Centre in Central Asia and experts from several countries. The North Atlantic Treaty Organization has also expressed interest in the project. Additional information is available through the OSCE web site: http://www.osce.org/news/show_news.php?id=3211.

Means of delivery. In Georgia, in addition to a substantial small arms and light weapons-destruction programme, OSCE has carried out several activities, at the request of the host Government, that have helped reduce the illicit availability of means to deliver WMD. One of such projects resulted in the neutralization of 500 tons of melange rocket fuel. The on-going Recycling and Destruction of Stockpiles of Ammunition programme will result in the destruction of thousands of tons of ammunition and bombs stockpiled in Georgia, including the following material directly or indirectly (by modification) usable to deliver WMD, such as:

- Aerial bombs: around 3,000 pieces, types FAB, OFAB, ZAB and BETAB
- Artillery shells: around 58,000 pieces, between 100-152 mm
- Fuel-Air-Explosive (FAE) bombs, unspecified amount of type ODAB
- Missiles: unspecified amount of SAM/AAM/AGN.

Additional information is available through the OSCE web site: http://www.osce.org/news/show_news.php?id=3024.

Preparatory Commission for the Comprehensive Nuclear-Test-Ban Treaty Organization

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The Preparatory Commission is cognizant of the serious threat that the possible acquisition of weapons of mass destruction by terrorist groups poses to world peace and security. In this regard, efforts to bring into force the Comprehensive Nuclear-Test-Ban Treaty (CTBT) could enhance the international community's preparedness to tackle this challenge to the non-proliferation of nuclear weapons.

By banning nuclear test explosions or any other nuclear explosion in all environments, CTBT constitutes an effective non-proliferation instrument, which prevents States parties from causing, encouraging, or in any way participating in such activities that could defeat the purpose and object of the Treaty. The Treaty also obliges States parties to prevent nuclear testing in their territories, including the obligation to prevent nuclear testing by non-State actors.

Furthermore, the Preparatory Commission, pursuant to its mandate, is steadily and securely establishing the global verification regime as provided by the Treaty, which consists of an International Monitoring System composed of 337 facilities, including 321 monitoring stations and 16 radionuclides laboratories, supported by an International Data Centre, consultation and clarification, on-site inspections and confidence-building measures.

To date, 150 stations (46.7 per cent) of the International Monitoring System have been completed or substantially meet specifications and a further 80 stations are under construction or in the stage of contract negotiations. Some 100 stations worldwide are transmitting data to the International Data Centre in Vienna, many through a satellite-based Global Communication Infrastructure, which is being progressively installed, and also connects the International Data Centre with national data centres of States.

Since its inception in 1997, the Preparatory Commission has continuously encouraged universal adherence to and support of CTBT through signature and ratification. The fact that CTBT has been signed by 167 States, of which 103 have ratified it, including 32 of the 44 States whose ratification is required for entry into force, represents an important step towards ensuring its full implementation.

The conference to facilitate the early entry into force of the Comprehensive Nuclear-Test-Ban Treaty, convened by the Secretary-General of the United Nations in accordance with article XIV, paragraph 3, of the Treaty, and scheduled to take place in Vienna from 3 to 5 September 2003, will contribute to the prevention of the proliferation of nuclear weapons in all its aspects.

Notes

[1] The following document was attached to the reply received from the United States of America: "U.S.-EU Pledge to Use 'All Means' to Avert WMD Proliferation", joint statement issued in conjunction with the United States-European Union Summit. This document is available for consultation in the Department for Disarmament Affairs of the Secretariat.

[2] The following documents were attached to the reply received from the Organization for Security and Cooperation in Europe: Decision No. 1, the Ninth Meeting of the OSCE Ministerial Council (MC(9).DEC/1); the Bucharest Plan of Action for Combating Terrorism (annex to MC(9).DEC/1); Decision No. 1, the Tenth Meeting of the OSCE Ministerial Council (MC(10).DEC/1); the Porto Charter on Preventing and Combating Terrorism (MC(10).JOUR./2); documents of the Bishkek International Conference on Enhancing Security and Stability in Central Asia: Strengthening Comprehensive Efforts to Counter Terrorism (SEC.GAL/289/01); the OSCE Principles Governing Non-proliferation (DOC.FSC/6/961); status of ratification by OSCE participating States of the 12 United Nations anti-terrorist conventions and protocols (SEC.GAL/16/03/Rev.1; and Charter for European Security. These documents are available for consultation in the Department for Disarmament Affairs of the Secretariat.